

R.D. # 0005-02
Elizabeth, NJ

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

OLYMPIA TRAILS BUS COMPANY, INC.

Employer¹

and

GOLDEN ROBINSON, AN INDIVIDUAL

Petitioner

CASE 22-RD-1338

and

**COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO, LOCAL 1032**

Intervenor

DECISION AND DIRECTION OF ELECTION

Golden Robinson, an Individual, filed a petition under Section 9(c) of the National Labor Relations Act, as amended, seeking to decertify the incumbent Intervenor, Communications Workers of America, AFL-CIO, Local 1032. As there were no issues raised which would preclude an election in this matter, I will direct an election in the appropriate unit.

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board. Upon the entire record in this proceeding,² I find:

¹ The name of the Employer appears as amended at the hearing.

² All parties waived the filing of briefs.

1. The hearing officer's rulings are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.³
3. The labor organization involved claims to represent certain employees of the Employer.⁴
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.⁵
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:⁶

All full-time and regular part-time ticket agents, field dispatchers and office/operation dispatchers employed by the Employer at its Elizabeth, New Jersey, Newark Airport, New Jersey, Pennsylvania Station, New York, Grand Central Station, New York and Port Authority, New York locations, excluding office clerical employees, bus drivers and maintenance

³ The Employer, a New Jersey corporation, is engaged in the provision of bus transportation and related services from its Elizabeth, New Jersey facility.

⁴ The record is silent as to the basis upon which the Intervenor was permitted to intervene. Nevertheless, I have taken administrative notice that the Intervenor was certified on February 21, 2001 in Cases 22-RC-11964 and 22-RC-11968 as the exclusive collective bargaining representative of the unit involved herein. Further, there is no evidence that the Intervenor has disclaimed interest in representing the employees in the unit. Accordingly, I find that the Intervenor was properly allowed to intervene in this proceeding. The parties stipulated and I find that the Intervenor is a labor organizations within the meaning of Section 2(5) of the Act.

⁵ There is no contention that there is a contract bar or any other bar to an election in this matter.

⁶ The unit description is in accord with the certified unit, except for the elimination of the World Trade Center, New York location as a result of the September 11, 2001 tragedy, which I find to be appropriate for purposes of collective bargaining. *Campbell Soup Company*, 111 NLRB 234 (1955); *Mo's West*, 283 NLRB 130 (1989). There are approximately 20 employees in the unit.

employees, guards and supervisors as defined in the Act, and all other employees.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to issue subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **Communications Workers of America, AFL-CIO, Local 1032.**

LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the

election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, three (3) copies of an election eligibility list containing the full names and addresses of all the eligible voters by location shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). In order to be timely filed, such list must be received in NLRB Region 22, Veterans Administration Building, 20 Washington Place, 5th Floor, Newark, New Jersey 07102, on or before May 21, 2002. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provision of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by May 28, 2002.

Signed at Newark, New Jersey this 14th day of May 2002.

Edward J. Peterson, Acting Regional Director
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Veterans Administration Building
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